

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

JURY DEMANDED

**DECLARATION OF MARC FENSTER IN SUPPORT OF PLAINTIFF HEADWATER
RESEARCH LLC'S OPPOSITION TO SAMSUNG'S *DAUBERT* MOTION AND
MOTION TO STRIKE EXPERT TESTIMONY OF DR. ANDREAS GROEHN**

1. I, Marc Fenster, declare as follows.

2. I am counsel for Headwater Research LLC in the above-captioned action. I provide this declaration in support of Headwater's Opposition to Samsung's *Daubert* Motion and Motion to Strike Expert Testimony of Dr. Andreas Groehn. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

3. Attached as Exhibit 1 is a true and correct copy of the amended expert report of Dr. Andreas Groehn, dated April 22, 2024, with highlighting added by counsel.

4. Attached as Exhibit 2 is a true and correct copy of excerpts from the deposition transcript of Dr. Andreas Groehn, dated May 13, 2024, with highlighting added by counsel.

5. Attached as Exhibit 3 is a true and correct copy of an article in press entitled "Economic foundations of conjoint analysis," by Dr. Greg M. Allenby et al., in the Handbook of the Economics of Marketing, dated 2019, bearing Bates numbers GROEHN_00000079-120, with highlighting added by counsel.

6. Attached as Exhibit 4 is a true and correct copy of captures from Samsung's website for its S24 line of products, as produced in this case and bearing Bates numbers HW_00103587-96.

7. Attached as Exhibit 5 is a true and correct copy of excerpts from the expert report of David Kennedy, dated April 19, 2024.

8. Attached as Exhibit 6 is a true and correct copy of excerpts from the expert report of Dr. Rick Wesel, dated April 19, 2024, with highlighting added by counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 30, 2024 at Los Angeles, California.

By: /s/ Marc Fenster
Marc Fenster

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF System per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster